

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THORNTON SAVAGE	:	CIVIL ACTION
	:	
v.	:	
	:	
ALEX BONAVIDACOLA, et al.	:	NO. 03-0016
	:	
O'NEILL, J.	:	MARCH 29, 2005

MEMORANDUM AND ORDER

Plaintiff, Thornton Savage, pro se, filed a complaint against defendants, Alex Bonavitacola--President Judge of the Court of the Court of Common Pleas of Philadelphia County, Louise Mascilli--Court Administrator, Janet Fasy Dowds--Deputy Court Administrator, and Lynne Abraham--District Attorney, in their individual capacities, alleging a violation of his civil rights under 42 U.S.C. § 1983. On March 9, 2005, I granted defendants' motions to dismiss for failure to state a claim with respect to plaintiff's conspiracy claim and all claims against District Attorney Abraham.¹ Savage v. Bonavitacola, No. 03-0016, 2005 WL 568045 (E.D. Pa. March 9, 2005). Before me now is plaintiff's motion for reconsideration.

The purpose of a motion for reconsideration under Federal Rule of Civil Procedure 59(e) is "to correct manifest errors of law or fact or to present newly discovered evidence." Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir.1985). Therefore, a motion for reconsideration is generally allowed only on one of three grounds: (1) where there has been an intervening change in the controlling law; (2) where new evidence that was not previously available has become available; or (3) where it is necessary to correct a clear error of law or to prevent manifest

¹In that opinion, I also denied defendants' motions to dismiss without prejudice with respect to their statute of limitations defense and with prejudice with respect to their defenses on grounds of Heck v. Humphrey and the sufficiency of plaintiff's Section 1983 claim. In addition, I denied plaintiff's motion to expedite proceedings as moot.

injustice. Malaysia Int'l Shipping Co. v. Sinochem Int'l Co. Ltd., No. 03-3771, 2004 WL 825466, *2 (E.D. Pa. April 13, 2004). In a motion for reconsideration, the burden is on the movant to show one of these three grounds. See Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir.1985).

A motion for reconsideration “addresses only factual and legal matters that the Court may have overlooked. It is improper on a motion for reconsideration to ask the Court to rethink what it had already thought through--rightly or wrongly.” Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D.Pa.1993) (quotations omitted). “Mere dissatisfaction with the court’s ruling is not a proper basis for reconsideration.” E.E.O.C. v. Dan Lepore & Sons Co., No. 03-5462, 2004 WL 569526, *2 (E.D. Pa. March 12, 2004). “Motions for reconsideration should be granted sparingly because of the interests in finality and conservation of scarce judicial resources.” Pennsylvania Ins. Guar. Ass’n v. Trabosh, 812 F. Supp. 522, 524 (E.D. Pa. 1992).

Here, Savage seeks to reverse my dismissal of Savage’s claim that defendants conspired to deprive him of his constitutional rights and Savage’s claims against District Attorney Abraham on grounds of absolute immunity. Savage appears to reargue the entirety of this case, including the issues on which I ruled in his favor. However, there has not been any change in the controlling law. Savage has not presented any new evidence. He has not demonstrated that reconsideration of Savage’s conspiracy claims or District Attorney Abraham’s prosecutorial immunity is necessary to correct a clear error of law or to prevent manifest injustice. Therefore, I will deny Savage’s motion for reconsideration.

AND NOW, this 29th day of March 2005, upon consideration of plaintiff's motion for reconsideration it is ORDERED that plaintiff's motion is DENIED.

s/ Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.